

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10181 of 2007

26.6.2007

Between:

Muthyala Hymavathi, W/o.Uma Mahesh

And others

... Petitioners

and

The District Collector, Vizianagaram District

And another

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10181 of 2007

ORDER:

The petitioners, who are eleven in number, were allegedly assigned agricultural land admeasuring Ac.1.00 to Acs.3.50 each in survey No.331 situated at B.P.Varakattu village of Cheepurupalli Mandal in Vizianagaram District, in 1988. Having seen a news item published in Andhra Jyothi, Telugu daily, dated 21.4.2007, they filed the instant writ petition seeking a writ of Mandamus declaring the action of the Tahsildar in canceling the D-Form patta as illegal and arbitrary.

The writ petition is misconceived. When there is no order of cancellation based on a news item petitioners could not have invoked the jurisdiction of this Court under Article 226 of Constitution of India. Secondly even if such cancellation order is passed, the petitioners have right of appeal before jurisdictional Revenue Divisional Officer under para 15 of BSO 15. Thirdly, learned Assistant Government Pleader for Revenue (General-A) submits that as on today no cancellation order is passed and that due process of law would be followed for evicting the petitioners.

The writ petition, with the above observations, is accordingly dismissed. No costs.

June 26, 2007

(V.V.S.RAO, J)

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